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BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKETS

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In the Matter of

Computer Reservation Systems (CRS) Regulations;  
Statements of General Policy

Notice of Proposed Rulemaking

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)  
) Dockets OST-97-2881 - 308  
) OST-97-3014 - 76  
) OST-98-4775 - 121  
) OST-99-5888 - 16  
)

ANSWER OF AMERICA WEST AIRLINES, INC., IN SUPPORT  
OF PETITION FOR EXTENSION OF DEADLINES FOR SUBMISSION  
OF COMMENTS AND FOR EXTENSION OF CRS RULES SUNSET DATE

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December 3, 2002

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

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<b>Computer Reservation Systems (CRS) Regulations;</b>	)	<b>OST-97-3014</b>
<b>Statements of General Policy</b>	)	<b>OST-98-4775</b>
	)	<b>OST-99-5888</b>
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**ANSWER OF AMERICA WEST AIRLINES, INC., IN SUPPORT  
OF PETITION FOR EXTENSION OF DEADLINES FOR SUBMISSION  
OF COMMENTS AND FOR EXTENSION OF CRS RULES SUNSET DATE**

America West Airlines, Inc. (“America West”) respectfully submits the following answer in support of the petition of Amadeus Global Travel Distribution, S.A. *et al* (the “Petition”) to extend the deadline for filing comments to March 16, 2003 on the Department of Transportation (“Department”) Notice of Proposed Rulemaking (“NPRM”) proposing extensive and fundamental changes to its Computer Reservation System (“CRS”) regulations, 14 C.F.R. Part 255 (the “CRS Rules”). 67 Fed. Reg. 69366 (Nov. 15, 2002). In addition, America West supports extension of the sunset date for the CRS Rules beyond March 31, 2002, as necessary to allow a full and fair opportunity for parties to participate in this critical proceeding, while ensuring it is completed as expeditiously as possible.

America West has long supported changes in the CRS Rules to reduce or eliminate the anti-competitive impact of CRS market power and promote the ability of airlines and travel agencies to develop alternatives to CRSs. Indeed, in 1997 America West filed its own petition asking the Department to initiate a rulemaking on issues related to the fees CRSs charge airlines for booking air transportation using their systems. Docket OST-97-3014. Moreover, America West has always supported the expeditious resolution of CRS issues and the issuance new regulations to protect all carriers equally from the exercise of CRS market power. In this connection, America West welcomed Secretary Mineta's public statement affirming his personal commitment to moving forward with the review of the CRS Rules and making completion of this proceeding a Department priority.<sup>1</sup>

However, America West is vitally concerned that the changes proposed by the Department the NPRM receive its most informed, careful consideration. In particular, America West is concerned that among other proposed changes the elimination of both the mandatory participation and non-discrimination rules for booking fees could profoundly affect the CRS market. Rather than enhance competition and innovation, these changes could further distort competition by benefiting the largest, dominant carriers to the detriment of smaller, low-fare carriers such as America West. In this connection, it is telling that the answers opposing the relatively short proposed extension of the procedural timetable to accommodate a more careful, comprehensive analysis of the impact of the proposed rules have been filed by large carriers and Orbitz, Inc., the new online travel agency owned entirely by the largest domestic carriers.

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<sup>1</sup> Letter from Department of Transportation Secretary Norman Y. Mineta to Congressman James L. Oberstar (November 5, 2002).

Each of the answers opposing the extension of the comment period rely primarily on two points: (1) the proposed extension is intended to preserve the anti-competitive status quo for as long as possible and (2) the issues raised by the NPRM are not novel and have been debated extensively by the parties in numerous filings over the past five years. America West respectfully suggests neither of these points is valid. First, the requested total extension of procedural dates by 90 days can hardly be deemed significant, given the Department has been considering these issues for five years. Moreover, the Department is proposing fundamental changes to key provisions of the rules, while explaining that it is not even convinced these changes will improve the current system. It certainly is not in the public interest for the Department to rush to promulgate rules in the name of expedient action which will simply create a new set of competition problems that could have been avoided by allotting a relatively short additional time for those affected by the proposed changes to submit considered comments on these changes.

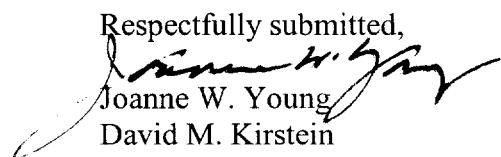
Second, it is no answer to assert that the issues in this proceeding have been the subject of extensive debate over a long period of time. As an initial matter, the Department has rightly recognized that the airline distribution industry has undergone and continues to undergo rapid, profound changes. Even if specific proposals are not “novel,” the context in which they must be evaluated and the considerations that are relevant to that evaluation are novel. Moreover, regardless of how long certain proposals may have been under consideration, the NPRM is the first formal statement of Department policy regarding these changes. The parties not only need time to consider the newly proposed policies and positions taken by the Department (however preliminary they may be), but also to gather the information and data the Department first

requested on November 15, 2002 and respond to the 65 specific questions raised by the Department in its 62 page Federal Register Notice. Despite the protestations of the major airlines opposing the deadline extension, the issues in this proceeding are very complex and the competitive impact of the proposed changes could be significant. Accordingly, America West supports the extension of the comment period proposed in the Petition.

In addition, America West supports extension of the sunset date for the existing CRS Rules to the extent necessary to accommodate a thorough, careful and fair review of the proposals currently under consideration. While the petitioners ask for a six month extension of the sunset date, nothing prevents the Department from acting more quickly once the comments and replies have been submitted. America West stresses that it supports an expeditious resolution of the issues, but not at the expense of a full and fair opportunity of all parties to consider the significant changes first proposed on November 15, 2002.

For the foregoing reasons, America West respectfully requests the Department to extend the initial and reply comment periods for the NPRM as requested in the Petition and to extend the sunset date for the CRS Rules as necessary to accommodate a full and fair consideration of the issues raised in the NPRM.

Respectfully submitted,



Joanne W. Young

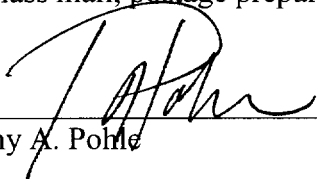
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December 3, 2002

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of December, 2002, a copy of the foregoing Answer of America West Airlines, Inc. was served by first class mail, postage prepaid, on the following:

  
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